

### REMARKS

This application has been carefully reviewed in light of the Office Action dated March 17, 2009. Claims 1 to 12, 32, and 33 are in the application, with Claim 1 being independent. Claims 4 and 13 to 31 have been cancelled without prejudice. Claim 1 has been amended herein, and Claims 32 and 33 have been newly added. Reconsideration and further examination are respectfully requested.

Claims 1 to 5, 7 to 10, and 12 were rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2002/0191884 (Letant). Claim 6 was rejected under 35 U.S.C. § 103(a) over Letant in view of U.S. Patent No. 3,973,118 (LaMontagne). These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, a detecting means for detecting a change in position with respect to the electromagnetic wave emitted from the periodic structure.

By virtue of the foregoing, it is possible to utilize the super prism effect to detect a target substance trapped in a photonic crystal with high sensitivity. See, for example, Figs. 20 and 21, and page 28, line 19 to page 33, line 12 of the instant specification.

Neither Letant nor LaMontagne, even in the proposed combinations, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the above-discussed feature.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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